

REMARKS

Allowable Subject Matter

The Applicants acknowledge the allowance of claims 2 – 14 and 16, and the current withdrawal of from allowance of pending claims 17 and 18.

Claim Rejections Under 35 U.S.C. § 102(b)

Independent claim 17 and claims 18 and 20 – 32, dependent from claim 17, are rejected as being anticipated by PCT application WO 94/26704 to Harris et al. In particular, the rejected claims are directed toward “[a] method of reducing cravings to food . . .” The Action states that Harris teaches using the instant compounds for the treatment of obesity, and that “reducing cravings for food [is] inherent to the treatment of obesity.”

Claims 17, 18, and 20-32 are patentable over Harris, however, because reducing a craving for food is not inherent in treating obesity. Obesity is the state of being very overweight due to an excess amount of body fat. Treating obesity only requires that the number of calories burned be greater than the number of calories ingested. Such treatments may, for example, involve accelerating an individual’s metabolism, or changing the specific type of food ingested, without any change in the “craving for food” that an individual possesses.

Furthermore the claimed methods of “reducing cravings to food” may be utilized outside the context of treating obesity. For example, the method may also allow a person to reduce consumption of food, though the person is not obese. For example, a method for “reducing a craving for food” may used to treat persons suffering from bulimic-like craving, though the person may not be even be overweight.

Harris provides a broad generic statement that the compositions revealed may treat obesity, but the reference provides no examples of how the compositions treat obesity. Indeed, the only experiments mentioned in Harris refer to preventing ptosis in rats (Harris, pages 15 – 19), and making the various chemical compositions (Harris, pages 20 – 50). Harris provides no teaching that the compositions are used as a method

for reducing cravings for food. In contrast, the pending application provides specific experiments on rhesus monkeys that support the claimed methods of "reducing cravings to food."

Thus claims 17, 18, and 20-32 are not anticipated by Harris because a teaching of treating obesity does not anticipate a treatment for reducing a craving for food.

Claim Objections

In light of the anticipation remarks presented above, the Applicants maintain that claims 33 – 45 are patentable over the objections stated in the Action.

Conclusion

In light of the aforementioned amendments and arguments, claims 2 – 14, 16 – 18, and 20 – 45 are hereby submitted for acceptance. The Applicants' representative requests the courtesy of a telephone interview, if the Examiner believes such would expedite the prosecution of the application.

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Respectfully submitted,



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